An Analysis of Arrest-Related Deaths in Oklahoma, 2005-2012

Oklahoma Statistical Analysis Center
Office of Criminal Justice Statistics
Oklahoma State Bureau of Investigation

July 2014

This project was supported by Grant No. 2013-BJ-CX-K019 awarded by the Bureau of Justice Statistics. The Bureau of Justice Statistics is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

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EXECUTIVE SUMMARY

From 2003 to 2013, Oklahoma Statistical Analysis Center (SAC) participated in the Arrest-Related Death Program. Staff was responsible for identifying qualifying deaths, collecting and analyzing deaths, and reporting qualifying deaths to the Bureau of Justice Statistics. Annual reports can be accessed on the Oklahoma State Bureau of Investigation's Website.

Oklahoma reported 144 arrest-related deaths to the Bureau of Justice Statistics between 2005 and 2012. Using secondary data sources (e.g., media reports, medical examiner reports, police reports), staff created the arrest-related death database. Staff used these data to identify trends and analyze characteristics of arrest-related deaths – key findings included:

- Ninety-six percent of decedents were male;
- Sixty percent of decedents were between ages 25 to 44;
- The majority of arrest-related deaths were ruled homicides by the medical examiner;
- One-third of arrested-related deaths were ruled suicides by the medical examiner;
- The highest number of deaths occurred in September;
- The highest number of deaths occurred on a Thursday;
- Over 80% of decedents had a criminal history;
- Ninety-nine percent of decedents were engaged in criminal activity at time of death;
- Over half of decedents attempted to "escape or flee" custody;
- Over half of decedents tested positive for drugs and/or alcohol;
- "Excited delirium" contributed to the death of eight individuals.

BACKGROUND AND PURPOSE

Background

The Arrest-Related Death Program was created in 2003 by the Bureau of Justice Statistics in response to the Deaths in Custody Reporting Act of 2000 (P.L. 106-297). The Deaths in Custody Reporting Act (DICRA) of 2000 required the United States Department of Justice to collect data for all deaths that occurred in jails, prisons, and juvenile correctional facilities. Data were also collected for all deaths that occurred in the process of arrest.

In 2003, the United States Department of Justice designated the Bureau of Justice Statistics (BJS) as the primary agency for implementation of the data collection. In response, BJS developed the Deaths in Custody Reporting Program (DCRP), which included three data collection components: the Jails Collection, the State Prisons Collection, and the Arrest-Related Deaths Collection. BJS funded data collection efforts at the state level.

From 2003 to 2013, the Oklahoma Statistical Analysis Center participated in the Arrest-Related Deaths (ARD) Program, which was a national data collection of those who die either during the process of arrest or while in the custody of state or local law enforcement. The program was administered by the Bureau of Justice Statistics (BJS). According to BJS, an arrest-related death is defined as "one that occurs anytime a person's freedom to leave is restricted by state or local law enforcement personnel.

Arrest-related deaths can occur before law enforcement personnel establish physical custody or before a formal arrest process is initiated. The ARD data collection also includes the deaths of individuals who die while attempting to elude police during the course of apprehension (e.g., police chases and standoffs)." From 2005 to 2012, the Oklahoma SAC collected data for 144 arrest-related deaths.

For reporting purposes, any death that occurred in the presence of state or local law enforcement (prior to booking) was ruled an arrest-related death, including those deaths that occurred before law enforcement established physical custody or formal arrest. Death of individuals, bystanders, hostages, and law enforcement were not included in the data collection.

Purpose

The purpose of this analysis was to better understand the circumstances surrounding arrest-related deaths in Oklahoma. Staff analyzed demographics, behaviors exhibited by both the decedent and law enforcement prior to the death, and other factors that may have influenced the outcome. Staff also analyzed weapon type, presence of drugs and/or alcohol, and the decedent's criminal history (including pending charges). Staff was also interested in those deaths that involved the use of a conducted energy device (tasers).

METHODOLOGY

This analysis includes qualifying deaths that occurred from 2005 to 2012. Staff analyzed data collected from law enforcement, medical examiner reports, media, Supplemental Homicide Reports (SHR), and completed CJ-11A forms. The CJ-11A form is used by staff to submit data to BJS for each decedent. Staff transferred data from older CJ-11A form to the 2013 form to standardize data collection and analysis.

Data Collection

Qualifying deaths were initially identified using open sources (e.g., media reports). Staff used the medical examiner (ME) reports to identify cause of death. Staff used ME reports to identify the location, time, and date of death. Staff also used ME reports to collect toxicology results. Reports were received by mail, fax, and e-mails; staff also conducted internet searches for additional information.

Staff collected media and law enforcement reports to analyze events surrounding each death. Staff collected criminal history records from Oklahoma's Computerized Criminal History System (CCH) and the Oklahoma Supreme Court Network (OSCN). When possible, staff collected law enforcement reports; however, the Oklahoma State Bureau of Investigation (OSBI) typically investigates arrest-related deaths in smaller jurisdictions.

Since investigative records from the OSBI are not subject to the Open Records Act, staff was unable to collect most law enforcement reports. Staff did not collect criminal history records for those decedents from other states; however, in some instances, criminal history information

was included in secondary data sources. Finally, staff did not have access to mental health records, so any reference to mental health conditions were collected from sources listed above.

Data Analysis

Staff analyzed data using the Statistical Package for the Social Sciences (SPSS). Staff created a file that included the following variables: demographics (age, sex, and race); time, date, and location of death; cause of death (as ruled by ME reports); weapons used by both decedent and law enforcement; other uses of force or restraints used by law enforcement; criminal histories; current charges (alleged and/or pending); and toxicology results (alcohol and/or drugs).

Staff analyzed multiple variables and created descriptive statistics using case studies, frequencies, and cross-tabulations. Staff identified variables of interest and conducted additional analysis. Staff created tables and graphs to provide visual representations of findings. Results are provided below.

Data Limitations

Staff was responsible to collect data for all qualifying deaths. Data collection efforts were not consistent from 2005 to 2008. In some cases, qualifying deaths lacked narratives and ME reports. To overcome this limitation, staff used the 2013 version of form CJ-11A to code each death. Unlike other states, which require law enforcement report arrest-related deaths, Oklahoma law enforcement is not required to report deaths. Staff was responsible for identifying deaths; because of that, staff may have missed qualifying deaths.

In some instances, staff did not have access to criminal history records, investigative files, or mental health records. Staff was limited in the analysis of criminal history records because dispositions were unavailable for some arrests. All mental health-related findings were based on secondary data sources. Only those individuals who died in Oklahoma were included in this analysis; as such, findings cannot be generalized to other states.

FINDINGS

Findings are presented below in the following 10 sections: demographics, incident location, day and time of death, agency type, manner of death, weapon type, behavior of the decedent prior to incident, use of alcohol and/or drugs, pending charges, and criminal history.

Demographics

The average age of all decedents was 35 – the youngest was 15 and the oldest was 71. Ninety-six percent of decedents were male. Fifty-nine percent of decedents were white, 27.1% black, 6.3% American Indian, and 7.6% Hispanic. Those between ages 25 and 34 accounted for 38.2% of all arrest-related deaths; of those, 41% were law enforcement homicides while 36.8% were suicides.

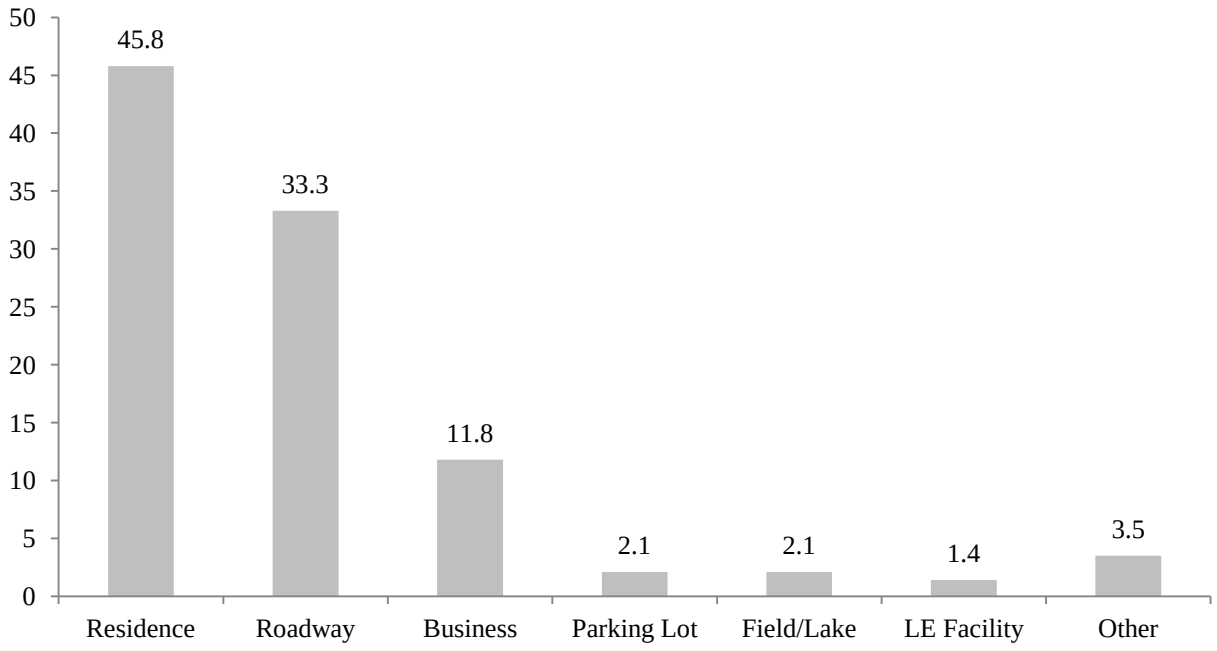
Table 1. Demographics (N=144)

Demographic	Percent
Sex	
Male	95.8%
Female	4.2
Race	
White	59.0%
Black	27.1
Native American	6.3
Other	7.6
Age	
17 or younger	1.4%
18 to 24	15.3
25 to 34	38.2
35 to 44	25.7
45 to 54	13.2
55 or older	6.2

Incident Location

Of the 144 arrest-related deaths, 45.8% occurred in a residence/home; 33.3% on a roadway, highway, street, or sidewalk; and 11.8% at a business location. Forty-seven percent of law enforcement homicides occurred in a residence/home while 28.9% occurred on a roadway, highway, street, or sidewalk; 14.5% at a business location; and 9.6% at another location. The majority (58.8%) of suicides occurred in a residence while 26.5% occurred on a roadway, highway, street, or sidewalk. Approximately 10% of suicides occurred at a hotel, motel, park, or other location. Fifty-eight percent of accidental deaths occurred on a roadway, highway, street, or sidewalk while 21% occurred in a residence/home. Of the 144 arrest-related deaths, 61% died at the scene and 33% died at a medical facility (following medical intervention).

Graph 1. Incident Location



Day and Time of Death

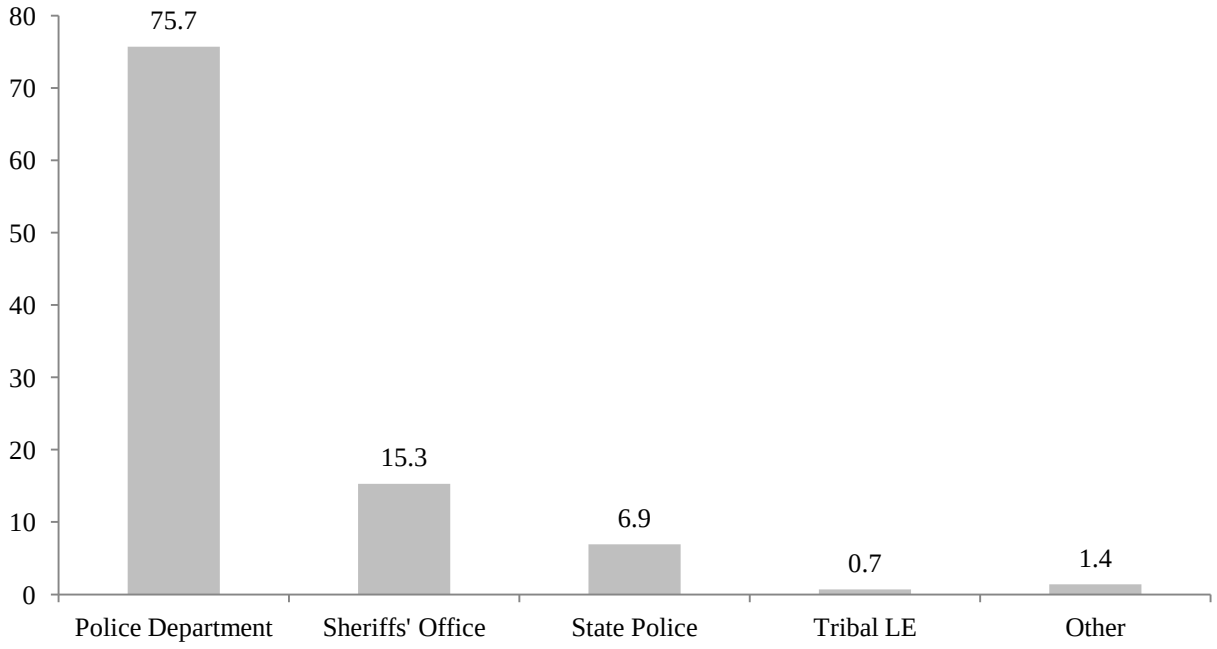
By month, the highest number of deaths occurred in September (20), followed by April and July. By day of the week, the highest number of deaths occurred on a Thursday (27), followed by Monday and Tuesday. Thirty percent of all arrest-related deaths occurred between

6:00 p.m. and 11:59 p.m. while the fewest number of deaths occurred between 4:00 a.m. and 5:59 a.m.

Agency Type

Police departments were involved in 75.5% of all arrest-related deaths, followed by county sheriffs' offices (15.3%), state police (6.9%), and other jurisdictions (e.g., task forces, tribal law enforcement) (2.1%). Thirty-five percent of arrest-related deaths occurred in Oklahoma County while 20% occurred in Tulsa County. Nineteen (13.5%) arrest-related deaths occurred in Cleveland, Canadian, and Comanche counties. Sixty-six deaths occurred in Oklahoma City (39) and Tulsa (27).

Graph 2. Agency Type



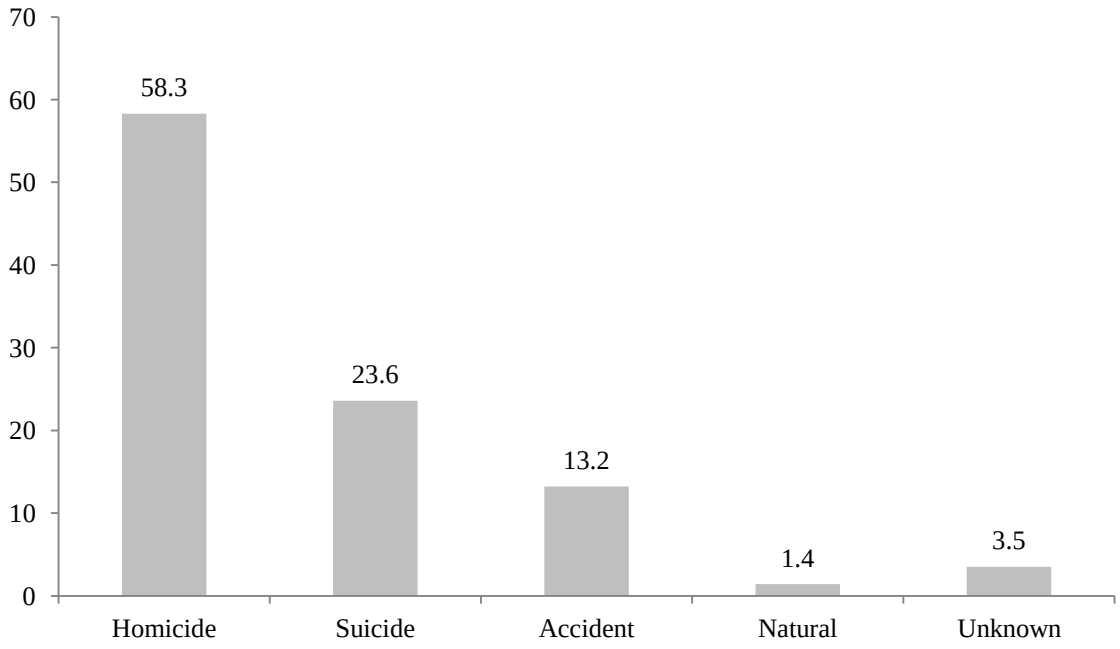
Manner of Death

Of the 144 arrest-related deaths, 58.3% were ruled homicide by the medical examiner. Over half (57.6%) of all deaths ruled homicide by the medical examiner involved law enforcement. The district attorney determined 96% of the law enforcement homicides were justified. According to the ME report, 23.6% of all arrest-related deaths were suicides, followed

by accidental deaths (13.2%), natural causes (1.4%), and unknown causes (3.5%). Of those accidental deaths, 74% were due to self-inflicted injuries (e.g., car wreck), and 26% were due to law enforcement intervention.

Of those homicides caused by law enforcement, 62.7% were white, 21.7% black, 9.6% American Indian, and 6% Hispanic. Of those deaths ruled suicide, 67.7% were white, 23.5% black, and 8.8% Hispanic. Of those deaths ruled accidental, 23.3% were white, 52.6% black, 5.3% American Indian, and 15.8% Hispanic. Of those deaths ruled unknown, 40% were white and 60% were black.

Graph 3. Manner of Death (N=144)



Weapon Type

In most incidents of homicide by law enforcement (92.8%), the decedent possessed a weapon – 41% had a handgun, 24.1% knife/edged instrument, 7.2% rifle, and 7.2% personal weapons (hands, feet, and fists). Law enforcement used a handgun in 97.6% of incidents. Law enforcement deployed a conducted energy device on 17 decedents; of those, seven died from excited delirium, seven died from firearm injuries, one died from cocaine intoxication, one died

from asphyxia, and one died from blunt force trauma to the head (note: law enforcement may have used more than one weapon during an incident).

Behavior of Decedent Prior to Incident

Over half of the decedents attempted to escape or flee from custody, 45.1% used a weapon to threaten or assault law enforcement, 18.8% exhibited suicidal behavior, 16% used a weapon to threaten or assault other individuals, and 10.4% verbally threatened law enforcement prior to their death. Of all arrest-related deaths, 11.1% of decedents were restrained with law enforcement equipment (e.g., handcuffs, leg shackles, etc.); 11.1% resisted arrest; and 8% grabbed, hit or fought with officers.

Table 2, Exhibited Behaviors*

Behavior	Percent
Tried to flee/escape arrest	50.7
Used weapon to threaten law enforcement	45.1
Suicidal	18.8
Used weapon to threaten others	16.0
Resisted arrest	11.1
Verbally threatened law enforcement	10.4
Grabbed, hit, or fought with law enforcement	7.6
Appeared intoxicated	6.3
Appeared to be distressed	4.9
Verbally threatened another individual	4.2

**Decedents may have exhibited more than one behavior*

Use of Alcohol and/or Drugs

Over 60% of decedents tested positive for drugs or alcohol, including 6.3% who tested positive for both alcohol and drugs. Of the 87 decedents who tested positive for drugs or alcohol, 94.3% were male and 5.7% were female. Alcohol or drug toxicity was listed by the ME as a contributing factor in 20.8% of all arrest-related deaths. Forty-six percent of decedents under the

influence of drugs or alcohol died at a residence; 37.9% on a roadway, highway, street, or sidewalk; and 8% at a business facility.

Of those decedents who tested positive for alcohol, 14.6% had a blood alcohol concentration (BAC) of 0.15 or above. Of those who tested positive for drugs (48), 45.8% tested positive for methamphetamine, 37.5% for amphetamine, 41.7% for cocaine (or its derivatives) 37.5% for a prescription drug, and 16.7% for Phencyclidine (PCP). Of the 87 decedents who tested positive for drugs or alcohol, 49.4% tried to flee or escape arrest, 44.8% used a weapon to threaten or assault law enforcement, 17.2% used a weapon to threaten or assault others, 16.1% exhibited suicidal behavior, and 13.8% resisted arrest.

Excited delirium contributed to 5.6% of all arrest-related deaths during the project period. Of those, 37.5% were white and 62.5% were black. Conducted energy devices were deployed in 87.5% of deaths, and all decedents tested positive for drugs.

Pending Charges

Almost all of the decedents were allegedly involved in criminal activity at the time of the incident. Forty-five percent would have been charged with assault, including 32% against law enforcement and 12.5% against another person. Furthermore, 21.4% of decedents were suspected of committing a property crime at the time of the incident.

Criminal History

The majority (81.9%) of decedents had a criminal history. Seventy-three percent of decedents had a previous misdemeanor arrest and 66% had a previous felony arrest. Fifty percent of decedents had prior arrests for property offenses while 45.1% had prior arrests for violent offenses. Almost one-third of decedents had a prior arrest for a crime perpetrated against law enforcement. Of those 118 decedents with a criminal record, 45.8% had served time in prison.

CONCLUSION

From 2003 to 2013, the Oklahoma Statistical Analysis Center participated in the Arrest-Related Deaths (ARD) Program, which was a national data collection of those who die either during the process of arrest or while in the custody of state or local law enforcement. The

program was administered by the Bureau of Justice Statistics (BJS). According to BJS, an arrest-related death is defined as "one that occurs anytime a person's freedom to leave is restricted by state or local law enforcement personnel.

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Fifty-nine percent of decedents were white and 27% were black. Ninety-six percent of decedents were males and 4% were females. Law enforcement homicides made up 57.6% of all arrest-related deaths. Suicides made up 23.6% of all arrest-related deaths. Excited delirium deaths comprised 5.6% of all arrest-related deaths. All decedents who died due to excited delirium tested positive for drugs.

Local police departments were involved in 76% of all arrest-related deaths. All decedents displayed at least one type of behavior during their arrest, with 75% displaying two or more types of behavior prior to their death. Ninety-five percent of decedents would have been charged with an offense and 62% with two or more offenses. The majority (82%) of decedents had a criminal history. Sixty percent (87) of decedents tested positive for drugs or alcohol.

Additional research may include an in-depth analysis of mental health and substance abuse among decedents. A comparative analysis among states (including criminal and mental health history of decedents) would be beneficial for the law enforcement community. To develop a better understanding of in-custody deaths, future research may also include those who died while incarcerated.

The Oklahoma State Bureau of Investigation is recognized by the Bureau of Justice Statistics as the Statistical Analysis Center. The Statistical Analysis Center collects, analyzes, and disseminates criminal justice information; these functions are located within the Office of Criminal Justice Statistics. The following individual(s) wrote this report, under the direction of Angie Baker, Director of the Oklahoma Statistical Analysis Center:

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